

HB 1515 - S COMM AMD

By Committee on Financial Institutions, Housing & Consumer
Protection

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 49.60.010 and 1997 c 271 s 1 are each amended to read
4 as follows:

5 This chapter shall be known as the "law against
6 discrimination((=))." It is an exercise of the police power of the
7 state for the protection of the public welfare, health, and peace of
8 the people of this state, and in fulfillment of the provisions of the
9 Constitution of this state concerning civil rights. The legislature
10 hereby finds and declares that practices of discrimination against any
11 of its inhabitants because of race, creed, color, national origin,
12 families with children, sex, marital status, sexual orientation, age,
13 or the presence of any sensory, mental, or physical disability or the
14 use of a trained dog guide or service animal by a disabled person are
15 a matter of state concern, that such discrimination threatens not only
16 the rights and proper privileges of its inhabitants but menaces the
17 institutions and foundation of a free democratic state. A state agency
18 is herein created with powers with respect to elimination and
19 prevention of discrimination in employment, in credit and insurance
20 transactions, in places of public resort, accommodation, or amusement,
21 and in real property transactions because of race, creed, color,
22 national origin, families with children, sex, marital status, sexual
23 orientation, age, or the presence of any sensory, mental, or physical
24 disability or the use of a trained dog guide or service animal by a
25 disabled person; and the commission established hereunder is hereby
26 given general jurisdiction and power for such purposes.

27 **Sec. 2.** RCW 49.60.020 and 1993 c 510 s 2 are each amended to read
28 as follows:

29 The provisions of this chapter shall be construed liberally for the

1 accomplishment of the purposes thereof. Nothing contained in this
2 chapter shall be deemed to repeal any of the provisions of any other
3 law of this state relating to discrimination because of race, color,
4 creed, national origin, sex, marital status, sexual orientation, age,
5 or the presence of any sensory, mental, or physical disability, other
6 than a law which purports to require or permit doing any act which is
7 an unfair practice under this chapter. Nor shall anything herein
8 contained be construed to deny the right to any person to institute any
9 action or pursue any civil or criminal remedy based upon an alleged
10 violation of his or her civil rights.

11 **Sec. 3.** RCW 49.60.030 and 1997 c 271 s 2 are each amended to read
12 as follows:

13 (1) The right to be free from discrimination because of race,
14 creed, color, national origin, sex, sexual orientation, or the presence
15 of any sensory, mental, or physical disability or the use of a trained
16 dog guide or service animal by a disabled person is recognized as and
17 declared to be a civil right. This right shall include, but not be
18 limited to:

19 (a) The right to obtain and hold employment without discrimination;

20 (b) The right to the full enjoyment of any of the accommodations,
21 advantages, facilities, or privileges of any place of public resort,
22 accommodation, assemblage, or amusement;

23 (c) The right to engage in real estate transactions without
24 discrimination, including discrimination against families with
25 children;

26 (d) The right to engage in credit transactions without
27 discrimination;

28 (e) The right to engage in insurance transactions or transactions
29 with health maintenance organizations without discrimination:
30 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
31 48.44.220, or 48.46.370 does not constitute an unfair practice for the
32 purposes of this subparagraph; and

33 (f) The right to engage in commerce free from any discriminatory
34 boycotts or blacklists. Discriminatory boycotts or blacklists for
35 purposes of this section shall be defined as the formation or execution
36 of any express or implied agreement, understanding, policy or
37 contractual arrangement for economic benefit between any persons which

1 is not specifically authorized by the laws of the United States and
2 which is required or imposed, either directly or indirectly, overtly or
3 covertly, by a foreign government or foreign person in order to
4 restrict, condition, prohibit, or interfere with or in order to exclude
5 any person or persons from any business relationship on the basis of
6 race, color, creed, religion, sex, sexual orientation, the presence of
7 any sensory, mental, or physical disability, or the use of a trained
8 dog guide or service animal by a disabled person, or national origin or
9 lawful business relationship: PROVIDED HOWEVER, That nothing herein
10 contained shall prohibit the use of boycotts as authorized by law
11 pertaining to labor disputes and unfair labor practices.

12 (2) Any person deeming himself or herself injured by any act in
13 violation of this chapter shall have a civil action in a court of
14 competent jurisdiction to enjoin further violations, or to recover the
15 actual damages sustained by the person, or both, together with the cost
16 of suit including reasonable attorneys' fees or any other appropriate
17 remedy authorized by this chapter or the United States Civil Rights Act
18 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
19 (42 U.S.C. Sec. 3601 et seq.).

20 (3) Except for any unfair practice committed by an employer against
21 an employee or a prospective employee, or any unfair practice in a real
22 estate transaction which is the basis for relief specified in the
23 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
24 unfair practice prohibited by this chapter which is committed in the
25 course of trade or commerce as defined in the Consumer Protection Act,
26 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
27 matter affecting the public interest, is not reasonable in relation to
28 the development and preservation of business, and is an unfair or
29 deceptive act in trade or commerce.

30 **Sec. 4.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read
31 as follows:

32 (~~As used in this chapter:~~) The definitions in this section apply
33 throughout this chapter unless the context clearly requires otherwise.

34 (1) "Person" includes one or more individuals, partnerships,
35 associations, organizations, corporations, cooperatives, legal
36 representatives, trustees and receivers, or any group of persons; it
37 includes any owner, lessee, proprietor, manager, agent, or employee,

1 whether one or more natural persons; and further includes any political
2 or civil subdivisions of the state and any agency or instrumentality of
3 the state or of any political or civil subdivision thereof;

4 (2) "Commission" means the Washington state human rights
5 commission;

6 (3) "Employer" includes any person acting in the interest of an
7 employer, directly or indirectly, who employs eight or more persons,
8 and does not include any religious or sectarian organization not
9 organized for private profit;

10 (4) "Employee" does not include any individual employed by his or
11 her parents, spouse, or child, or in the domestic service of any
12 person;

13 (5) "Labor organization" includes any organization which exists for
14 the purpose, in whole or in part, of dealing with employers concerning
15 grievances or terms or conditions of employment, or for other mutual
16 aid or protection in connection with employment;

17 (6) "Employment agency" includes any person undertaking with or
18 without compensation to recruit, procure, refer, or place employees for
19 an employer;

20 (7) "Marital status" means the legal status of being married,
21 single, separated, divorced, or widowed;

22 (8) "National origin" includes "ancestry";

23 (9) "Full enjoyment of" includes the right to purchase any service,
24 commodity, or article of personal property offered or sold on, or by,
25 any establishment to the public, and the admission of any person to
26 accommodations, advantages, facilities, or privileges of any place of
27 public resort, accommodation, assemblage, or amusement, without acts
28 directly or indirectly causing persons of any particular race, creed,
29 color, sex, sexual orientation, national origin, or with any sensory,
30 mental, or physical disability, or the use of a trained dog guide or
31 service animal by a disabled person, to be treated as not welcome,
32 accepted, desired, or solicited;

33 (10) "Any place of public resort, accommodation, assemblage, or
34 amusement" includes, but is not limited to, any place, licensed or
35 unlicensed, kept for gain, hire, or reward, or where charges are made
36 for admission, service, occupancy, or use of any property or
37 facilities, whether conducted for the entertainment, housing, or
38 lodging of transient guests, or for the benefit, use, or accommodation

1 of those seeking health, recreation, or rest, or for the burial or
2 other disposition of human remains, or for the sale of goods,
3 merchandise, services, or personal property, or for the rendering of
4 personal services, or for public conveyance or transportation on land,
5 water, or in the air, including the stations and terminals thereof and
6 the garaging of vehicles, or where food or beverages of any kind are
7 sold for consumption on the premises, or where public amusement,
8 entertainment, sports, or recreation of any kind is offered with or
9 without charge, or where medical service or care is made available, or
10 where the public gathers, congregates, or assembles for amusement,
11 recreation, or public purposes, or public halls, public elevators, and
12 public washrooms of buildings and structures occupied by two or more
13 tenants, or by the owner and one or more tenants, or any public library
14 or educational institution, or schools of special instruction, or
15 nursery schools, or day care centers or children's camps: PROVIDED,
16 That nothing contained in this definition shall be construed to include
17 or apply to any institute, bona fide club, or place of accommodation,
18 which is by its nature distinctly private, including fraternal
19 organizations, though where public use is permitted that use shall be
20 covered by this chapter; nor shall anything contained in this
21 definition apply to any educational facility, columbarium, crematory,
22 mausoleum, or cemetery operated or maintained by a bona fide religious
23 or sectarian institution;

24 (11) "Real property" includes buildings, structures, dwellings,
25 real estate, lands, tenements, leaseholds, interests in real estate
26 cooperatives, condominiums, and hereditaments, corporeal and
27 incorporeal, or any interest therein;

28 (12) "Real estate transaction" includes the sale, appraisal,
29 brokering, exchange, purchase, rental, or lease of real property,
30 transacting or applying for a real estate loan, or the provision of
31 brokerage services;

32 (13) "Dwelling" means any building, structure, or portion thereof
33 that is occupied as, or designed or intended for occupancy as, a
34 residence by one or more families, and any vacant land that is offered
35 for sale or lease for the construction or location thereon of any such
36 building, structure, or portion thereof;

37 (14) "Sex" means gender;

1 (15) "Sexual orientation" means heterosexuality, homosexuality,
2 bisexuality, and gender expression or identity. "Gender expression or
3 identity" means having or being perceived as having a gender identity,
4 self-image, appearance, behavior, or expression whether or not that
5 gender identity, self-image, appearance, behavior, or expression is
6 different from that traditionally associated with the sex assigned to
7 that person at birth;

8 (16) "Aggrieved person" means any person who: (a) Claims to have
9 been injured by an unfair practice in a real estate transaction; or (b)
10 believes that he or she will be injured by an unfair practice in a real
11 estate transaction that is about to occur;

12 (~~(16)~~) (17) "Complainant" means the person who files a complaint
13 in a real estate transaction;

14 (~~(17)~~) (18) "Respondent" means any person accused in a complaint
15 or amended complaint of an unfair practice in a real estate
16 transaction;

17 (~~(18)~~) (19) "Credit transaction" includes any open or closed end
18 credit transaction, whether in the nature of a loan, retail installment
19 transaction, credit card issue or charge, or otherwise, and whether for
20 personal or for business purposes, in which a service, finance, or
21 interest charge is imposed, or which provides for repayment in
22 scheduled payments, when such credit is extended in the regular course
23 of any trade or commerce, including but not limited to transactions by
24 banks, savings and loan associations or other financial lending
25 institutions of whatever nature, stock brokers, or by a merchant or
26 mercantile establishment which as part of its ordinary business permits
27 or provides that payment for purchases of property or service therefrom
28 may be deferred;

29 (~~(19)~~) (20) "Families with children status" means one or more
30 individuals who have not attained the age of eighteen years being
31 domiciled with a parent or another person having legal custody of such
32 individual or individuals, or with the designee of such parent or other
33 person having such legal custody, with the written permission of such
34 parent or other person. Families with children status also applies to
35 any person who is pregnant or is in the process of securing legal
36 custody of any individual who has not attained the age of eighteen
37 years;

1 ((+20)) (21) "Covered multifamily dwelling" means: (a) Buildings
2 consisting of four or more dwelling units if such buildings have one or
3 more elevators; and (b) ground floor dwelling units in other buildings
4 consisting of four or more dwelling units;

5 ((+21)) (22) "Premises" means the interior or exterior spaces,
6 parts, components, or elements of a building, including individual
7 dwelling units and the public and common use areas of a building;

8 ((+22)) (23) "Dog guide" means a dog that is trained for the
9 purpose of guiding blind persons or a dog that is trained for the
10 purpose of assisting hearing impaired persons;

11 ((+23)) (24) "Service animal" means an animal that is trained for
12 the purpose of assisting or accommodating a disabled person's sensory,
13 mental, or physical disability.

14 **Sec. 5.** RCW 49.60.120 and 1997 c 271 s 4 are each amended to read
15 as follows:

16 The commission shall have the functions, powers, and duties:

17 (1) To appoint an executive director and chief examiner, and such
18 investigators, examiners, clerks, and other employees and agents as it
19 may deem necessary, fix their compensation within the limitations
20 provided by law, and prescribe their duties.

21 (2) To obtain upon request and utilize the services of all
22 governmental departments and agencies.

23 (3) To adopt, (~~promulgate,~~) amend, and rescind suitable rules
24 (~~and regulations~~) to carry out the provisions of this chapter, and
25 the policies and practices of the commission in connection therewith.

26 (4) To receive, impartially investigate, and pass upon complaints
27 alleging unfair practices as defined in this chapter.

28 (5) To issue such publications and (~~such~~) results of
29 investigations and research as in its judgment will tend to promote
30 good will and minimize or eliminate discrimination because of sex,
31 sexual orientation, race, creed, color, national origin, marital
32 status, age, or the presence of any sensory, mental, or physical
33 disability, or the use of a trained dog guide or service animal by a
34 disabled person.

35 (6) To make such technical studies as are appropriate to effectuate
36 the purposes and policies of this chapter and to publish and distribute
37 the reports of such studies.

1 (7) To cooperate and act jointly or by division of labor with the
2 United States or other states, with other Washington state agencies,
3 commissions, and other government entities, and with political
4 subdivisions of the state of Washington and their respective human
5 rights agencies to carry out the purposes of this chapter. However,
6 the powers which may be exercised by the commission under this
7 subsection permit investigations and complaint dispositions only if the
8 investigations are designed to reveal, or the complaint deals only
9 with, allegations which, if proven, would constitute unfair practices
10 under this chapter. The commission may perform such services for these
11 agencies and be reimbursed therefor.

12 (8) To foster good relations between minority and majority
13 population groups of the state through seminars, conferences,
14 educational programs, and other intergroup relations activities.

15 **Sec. 6.** RCW 49.60.130 and 1997 c 271 s 5 are each amended to read
16 as follows:

17 The commission has power to create such advisory agencies and
18 conciliation councils, local, regional, or statewide, as in its
19 judgment will aid in effectuating the purposes of this chapter. The
20 commission may empower them to study the problems of discrimination in
21 all or specific fields of human relationships or in specific instances
22 of discrimination because of sex, race, creed, color, national origin,
23 marital status, sexual orientation, age, or the presence of any
24 sensory, mental, or physical disability or the use of a trained dog
25 guide or service animal by a disabled person; to foster through
26 community effort or otherwise good will, cooperation, and conciliation
27 among the groups and elements of the population of the state, and to
28 make recommendations to the commission for the development of policies
29 and procedures in general and in specific instances, and for programs
30 of formal and informal education which the commission may recommend to
31 the appropriate state agency.

32 Such advisory agencies and conciliation councils shall be composed
33 of representative citizens, serving without pay, but with reimbursement
34 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
35 now existing or hereafter amended, and the commission may make
36 provision for technical and clerical assistance to such agencies and

1 councils and for the expenses of such assistance. The commission may
2 use organizations specifically experienced in dealing with questions of
3 discrimination.

4 **Sec. 7.** RCW 49.60.175 and 1997 c 271 s 7 are each amended to read
5 as follows:

6 It shall be an unfair practice to use the sex, race, creed, color,
7 national origin, marital status, sexual orientation, or the presence of
8 any sensory, mental, or physical disability of any person, or the use
9 of a trained dog guide or service animal by a disabled person,
10 concerning an application for credit in any credit transaction to
11 determine the credit worthiness of an applicant.

12 **Sec. 8.** RCW 49.60.176 and 1997 c 271 s 8 are each amended to read
13 as follows:

14 (1) It is an unfair practice for any person whether acting for
15 himself, herself, or another in connection with any credit transaction
16 because of race, creed, color, national origin, sex, marital status,
17 sexual orientation, or the presence of any sensory, mental, or physical
18 disability or the use of a trained dog guide or service animal by a
19 disabled person:

20 (a) To deny credit to any person;

21 (b) To increase the charges or fees for or collateral required to
22 secure any credit extended to any person;

23 (c) To restrict the amount or use of credit extended or to impose
24 different terms or conditions with respect to the credit extended to
25 any person or any item or service related thereto;

26 (d) To attempt to do any of the unfair practices defined in this
27 section.

28 (2) Nothing in this section shall prohibit any party to a credit
29 transaction from considering the credit history of any individual
30 applicant.

31 (3) Further, nothing in this section shall prohibit any party to a
32 credit transaction from considering the application of the community
33 property law to the individual case or from taking reasonable action
34 thereon.

1 **Sec. 9.** RCW 49.60.178 and 1997 c 271 s 9 are each amended to read
2 as follows:

3 It is an unfair practice for any person whether acting for himself,
4 herself, or another in connection with an insurance transaction or
5 transaction with a health maintenance organization to cancel or fail or
6 refuse to issue or renew insurance or a health maintenance agreement to
7 any person because of sex, marital status, sexual orientation, race,
8 creed, color, national origin, or the presence of any sensory, mental,
9 or physical disability or the use of a trained dog guide or service
10 animal by a disabled person: PROVIDED, That a practice which is not
11 unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not
12 constitute an unfair practice for the purposes of this section. For
13 the purposes of this section, "insurance transaction" is defined in RCW
14 48.01.060, health maintenance agreement is defined in RCW 48.46.020,
15 and "health maintenance organization" is defined in RCW 48.46.020.

16 The fact that such unfair practice may also be a violation of
17 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an
18 action brought under this section.

19 The insurance commissioner, under RCW 48.30.300, and the human
20 rights commission, under chapter 49.60 RCW, shall have concurrent
21 jurisdiction under this section and shall enter into a working
22 agreement as to procedure to be followed in complaints under this
23 section.

24 **Sec. 10.** RCW 49.60.180 and 1997 c 271 s 10 are each amended to
25 read as follows:

26 It is an unfair practice for any employer:

27 (1) To refuse to hire any person because of age, sex, marital
28 status, sexual orientation, race, creed, color, national origin, or the
29 presence of any sensory, mental, or physical disability or the use of
30 a trained dog guide or service animal by a disabled person, unless
31 based upon a bona fide occupational qualification: PROVIDED, That the
32 prohibition against discrimination because of such disability shall not
33 apply if the particular disability prevents the proper performance of
34 the particular worker involved.

35 (2) To discharge or bar any person from employment because of age,
36 sex, marital status, sexual orientation, race, creed, color, national

1 origin, or the presence of any sensory, mental, or physical disability
2 or the use of a trained dog guide or service animal by a disabled
3 person.

4 (3) To discriminate against any person in compensation or in other
5 terms or conditions of employment because of age, sex, marital status,
6 sexual orientation, race, creed, color, national origin, or the
7 presence of any sensory, mental, or physical disability or the use of
8 a trained dog guide or service animal by a disabled person: PROVIDED,
9 That it shall not be an unfair practice for an employer to segregate
10 washrooms or locker facilities on the basis of sex, or to base other
11 terms and conditions of employment on the sex of employees where the
12 commission by regulation or ruling in a particular instance has found
13 the employment practice to be appropriate for the practical realization
14 of equality of opportunity between the sexes.

15 (4) To print, or circulate, or cause to be printed or circulated
16 any statement, advertisement, or publication, or to use any form of
17 application for employment, or to make any inquiry in connection with
18 prospective employment, which expresses any limitation, specification,
19 or discrimination as to age, sex, marital status, sexual orientation,
20 race, creed, color, national origin, or the presence of any sensory,
21 mental, or physical disability or the use of a trained dog guide or
22 service animal by a disabled person, or any intent to make any such
23 limitation, specification, or discrimination, unless based upon a bona
24 fide occupational qualification: PROVIDED, Nothing contained herein
25 shall prohibit advertising in a foreign language.

26 **Sec. 11.** RCW 49.60.190 and 1997 c 271 s 11 are each amended to
27 read as follows:

28 It is an unfair practice for any labor union or labor organization:

29 (1) To deny membership and full membership rights and privileges to
30 any person because of age, sex, marital status, sexual orientation,
31 race, creed, color, national origin, or the presence of any sensory,
32 mental, or physical disability or the use of a trained dog guide or
33 service animal by a disabled person.

34 (2) To expel from membership any person because of age, sex,
35 marital status, sexual orientation, race, creed, color, national
36 origin, or the presence of any sensory, mental, or physical disability

1 or the use of a trained dog guide or service animal by a disabled
2 person.

3 (3) To discriminate against any member, employer, employee, or
4 other person to whom a duty of representation is owed because of age,
5 sex, marital status, sexual orientation, race, creed, color, national
6 origin, or the presence of any sensory, mental, or physical disability
7 or the use of a trained dog guide or service animal by a disabled
8 person.

9 **Sec. 12.** RCW 49.60.200 and 1997 c 271 s 12 are each amended to
10 read as follows:

11 It is an unfair practice for any employment agency to fail or
12 refuse to classify properly or refer for employment, or otherwise to
13 discriminate against, an individual because of age, sex, marital
14 status, sexual orientation, race, creed, color, national origin, or the
15 presence of any sensory, mental, or physical disability or the use of
16 a trained dog guide or service animal by a disabled person, or to print
17 or circulate, or cause to be printed or circulated any statement,
18 advertisement, or publication, or to use any form of application for
19 employment, or to make any inquiry in connection with prospective
20 employment, which expresses any limitation, specification or
21 discrimination as to age, sex, race, sexual orientation, creed, color,
22 or national origin, or the presence of any sensory, mental, or physical
23 disability or the use of a trained dog guide or service animal by a
24 disabled person, or any intent to make any such limitation,
25 specification, or discrimination, unless based upon a bona fide
26 occupational qualification: PROVIDED, Nothing contained herein shall
27 prohibit advertising in a foreign language.

28 **Sec. 13.** RCW 49.60.215 and 1997 c 271 s 13 are each amended to
29 read as follows:

30 It shall be an unfair practice for any person or the person's agent
31 or employee to commit an act which directly or indirectly results in
32 any distinction, restriction, or discrimination, or the requiring of
33 any person to pay a larger sum than the uniform rates charged other
34 persons, or the refusing or withholding from any person the admission,
35 patronage, custom, presence, frequenting, dwelling, staying, or lodging
36 in any place of public resort, accommodation, assemblage, or amusement,

1 except for conditions and limitations established by law and applicable
2 to all persons, regardless of race, creed, color, national origin,
3 sexual orientation, sex, the presence of any sensory, mental, or
4 physical disability, or the use of a trained dog guide or service
5 animal by a disabled person: PROVIDED, That this section shall not be
6 construed to require structural changes, modifications, or additions to
7 make any place accessible to a disabled person except as otherwise
8 required by law: PROVIDED, That behavior or actions constituting a
9 risk to property or other persons can be grounds for refusal and shall
10 not constitute an unfair practice.

11 **Sec. 14.** RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are
12 each reenacted and amended to read as follows:

13 (1) It is an unfair practice for any person, whether acting for
14 himself, herself, or another, because of sex, marital status, sexual
15 orientation, race, creed, color, national origin, families with
16 children status, the presence of any sensory, mental, or physical
17 disability, or the use of a trained dog guide or service animal by a
18 disabled person:

19 (a) To refuse to engage in a real estate transaction with a person;

20 (b) To discriminate against a person in the terms, conditions, or
21 privileges of a real estate transaction or in the furnishing of
22 facilities or services in connection therewith;

23 (c) To refuse to receive or to fail to transmit a bona fide offer
24 to engage in a real estate transaction from a person;

25 (d) To refuse to negotiate for a real estate transaction with a
26 person;

27 (e) To represent to a person that real property is not available
28 for inspection, sale, rental, or lease when in fact it is so available,
29 or to fail to bring a property listing to his or her attention, or to
30 refuse to permit the person to inspect real property;

31 (f) To discriminate in the sale or rental, or to otherwise make
32 unavailable or deny a dwelling, to any person; or to a person residing
33 in or intending to reside in that dwelling after it is sold, rented, or
34 made available; or to any person associated with the person buying or
35 renting;

36 (g) To make, print, circulate, post, or mail, or cause to be so
37 made or published a statement, advertisement, or sign, or to use a form

1 of application for a real estate transaction, or to make a record or
2 inquiry in connection with a prospective real estate transaction, which
3 indicates, directly or indirectly, an intent to make a limitation,
4 specification, or discrimination with respect thereto;

5 (h) To offer, solicit, accept, use, or retain a listing of real
6 property with the understanding that a person may be discriminated
7 against in a real estate transaction or in the furnishing of facilities
8 or services in connection therewith;

9 (i) To expel a person from occupancy of real property;

10 (j) To discriminate in the course of negotiating, executing, or
11 financing a real estate transaction whether by mortgage, deed of trust,
12 contract, or other instrument imposing a lien or other security in real
13 property, or in negotiating or executing any item or service related
14 thereto including issuance of title insurance, mortgage insurance, loan
15 guarantee, or other aspect of the transaction. Nothing in this section
16 shall limit the effect of RCW 49.60.176 relating to unfair practices in
17 credit transactions; or

18 (k) To attempt to do any of the unfair practices defined in this
19 section.

20 (2) For the purposes of this chapter discrimination based on the
21 presence of any sensory, mental, or physical disability or the use of
22 a trained dog guide or service animal by a blind, deaf, or physically
23 disabled person includes:

24 (a) A refusal to permit, at the expense of the disabled person,
25 reasonable modifications of existing premises occupied or to be
26 occupied by such person if such modifications may be necessary to
27 afford such person full enjoyment of the dwelling, except that, in the
28 case of a rental, the landlord may, where it is reasonable to do so,
29 condition permission for a modification on the renter agreeing to
30 restore the interior of the dwelling to the condition that existed
31 before the modification, reasonable wear and tear excepted;

32 (b) To refuse to make reasonable accommodation in rules, policies,
33 practices, or services when such accommodations may be necessary to
34 afford a person with the presence of any sensory, mental, or physical
35 disability and/or the use of a trained dog guide or service animal by
36 a blind, deaf, or physically disabled person equal opportunity to use
37 and enjoy a dwelling; or

1 (c) To fail to design and construct covered multifamily dwellings
2 and premises in conformance with the federal fair housing amendments
3 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws
4 or regulations pertaining to access by persons with any sensory,
5 mental, or physical disability or use of a trained dog guide or service
6 animal. Whenever the requirements of applicable laws or regulations
7 differ, the requirements which require greater accessibility for
8 persons with any sensory, mental, or physical disability shall govern.

9 Nothing in (a) or (b) of this subsection shall apply to: (i) A
10 single-family house rented or leased by the owner if the owner does not
11 own or have an interest in the proceeds of the rental or lease of more
12 than three such single-family houses at one time, the rental or lease
13 occurred without the use of a real estate broker or salesperson, as
14 defined in RCW 18.85.010, and the rental or lease occurred without the
15 publication, posting, or mailing of any advertisement, sign, or
16 statement in violation of subsection (1)(g) of this section; or (ii)
17 rooms or units in dwellings containing living quarters occupied or
18 intended to be occupied by no more than four families living
19 independently of each other if the owner maintains and occupies one of
20 the rooms or units as his or her residence.

21 (3) Notwithstanding any other provision of this chapter, it shall
22 not be an unfair practice or a denial of civil rights for any public or
23 private educational institution to separate the sexes or give
24 preference to or limit use of dormitories, residence halls, or other
25 student housing to persons of one sex or to make distinctions on the
26 basis of marital or families with children status.

27 (4) Except pursuant to subsection (2)(a) of this section, this
28 section shall not be construed to require structural changes,
29 modifications, or additions to make facilities accessible to a disabled
30 person except as otherwise required by law. Nothing in this section
31 affects the rights, responsibilities, and remedies of landlords and
32 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to
33 post and enforce reasonable rules of conduct and safety for all tenants
34 and their guests, provided that chapters 59.18 and 59.20 RCW are only
35 affected to the extent they are inconsistent with the nondiscrimination
36 requirements of this chapter. Nothing in this section limits the
37 applicability of any reasonable federal, state, or local restrictions

1 regarding the maximum number of occupants permitted to occupy a
2 dwelling.

3 (5) Notwithstanding any other provision of this chapter, it shall
4 not be an unfair practice for any public establishment providing for
5 accommodations offered for the full enjoyment of transient guests as
6 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
7 families with children status. Nothing in this section shall limit the
8 effect of RCW 49.60.215 relating to unfair practices in places of
9 public accommodation.

10 (6) Nothing in this chapter prohibiting discrimination based on
11 families with children status applies to housing for older persons as
12 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
13 Sec. 3607(b)(1) through (3), as amended by the housing for older
14 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
15 Nothing in this chapter authorizes requirements for housing for older
16 persons different than the requirements in the federal fair housing
17 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
18 amended by the housing for older persons act of 1995, P.L. 104-76, as
19 enacted on December 28, 1995.

20 (7) Nothing in this chapter shall apply to real estate transactions
21 involving the sharing of a dwelling unit, or rental or sublease of a
22 portion of a dwelling unit, when the dwelling unit is to be occupied by
23 the owner or sublessor. For purposes of this section, "dwelling unit"
24 has the same meaning as in RCW 59.18.030.

25 **Sec. 15.** RCW 49.60.223 and 1997 c 271 s 15 are each amended to
26 read as follows:

27 It is an unfair practice for any person, for profit, to induce or
28 attempt to induce any person to sell or rent any real property by
29 representations regarding the entry or prospective entry into the
30 neighborhood of a person or persons of a particular race, creed, color,
31 sex, national origin, sexual orientation, families with children
32 status, or with any sensory, mental, or physical disability and/or the
33 use of a trained dog guide or service animal by a blind, deaf, or
34 physically disabled person.

35 **Sec. 16.** RCW 49.60.224 and 1997 c 271 s 16 are each amended to
36 read as follows:

1 (1) Every provision in a written instrument relating to real
2 property which purports to forbid or restrict the conveyance,
3 encumbrance, occupancy, or lease thereof to individuals of a specified
4 race, creed, color, sex, national origin, sexual orientation, families
5 with children status, or with any sensory, mental, or physical
6 disability or the use of a trained dog guide or service animal by a
7 blind, deaf, or physically disabled person, and every condition,
8 restriction, or prohibition, including a right of entry or possibility
9 of reverter, which directly or indirectly limits the use or occupancy
10 of real property on the basis of race, creed, color, sex, national
11 origin, sexual orientation, families with children status, or the
12 presence of any sensory, mental, or physical disability or the use of
13 a trained dog guide or service animal by a blind, deaf, or physically
14 disabled person is void.

15 (2) It is an unfair practice to insert in a written instrument
16 relating to real property a provision that is void under this section
17 or to honor or attempt to honor such a provision in the chain of title.

18 **Sec. 17.** RCW 49.60.225 and 1997 c 271 s 17 are each amended to
19 read as follows:

20 (1) When a reasonable cause determination has been made under RCW
21 49.60.240 that an unfair practice in a real estate transaction has been
22 committed and a finding has been made that the respondent has engaged
23 in any unfair practice under RCW 49.60.250, the administrative law
24 judge shall promptly issue an order for such relief suffered by the
25 aggrieved person as may be appropriate, which may include actual
26 damages as provided by the federal fair housing amendments act of 1988
27 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable
28 relief. Such order may, to further the public interest, assess a civil
29 penalty against the respondent:

30 (a) In an amount up to ten thousand dollars if the respondent has
31 not been determined to have committed any prior unfair practice in a
32 real estate transaction;

33 (b) In an amount up to twenty-five thousand dollars if the
34 respondent has been determined to have committed one other unfair
35 practice in a real estate transaction during the five-year period
36 ending on the date of the filing of this charge; or

1 (c) In an amount up to fifty thousand dollars if the respondent has
2 been determined to have committed two or more unfair practices in a
3 real estate transaction during the seven-year period ending on the date
4 of the filing of this charge, for loss of the right secured by RCW
5 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as
6 now or hereafter amended, to be free from discrimination in real
7 property transactions because of sex, marital status, race, creed,
8 color, national origin, sexual orientation, families with children
9 status, or the presence of any sensory, mental, or physical disability
10 or the use of a trained dog guide or service animal by a blind, deaf,
11 or physically disabled person. Enforcement of the order and appeal
12 therefrom by the complainant or respondent may be made as provided in
13 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice
14 in a real estate transaction that is the object of the charge are
15 determined to have been committed by the same natural person who has
16 been previously determined to have committed acts constituting an
17 unfair practice in a real estate transaction, then the civil penalty of
18 up to fifty thousand dollars may be imposed without regard to the
19 period of time within which any subsequent unfair practice in a real
20 estate transaction occurred. All civil penalties assessed under this
21 section shall be paid into the state treasury and credited to the
22 general fund.

23 (2) Such order shall not affect any contract, sale, conveyance,
24 encumbrance, or lease consummated before the issuance of an order that
25 involves a bona fide purchaser, encumbrancer, or tenant who does not
26 have actual notice of the charge filed under this chapter.

27 (3) Notwithstanding any other provision of this chapter, persons
28 awarded damages under this section may not receive additional damages
29 pursuant to RCW 49.60.250.

30 **Sec. 18.** RCW 48.30.300 and 1993 c 492 s 287 are each amended to
31 read as follows:

32 Notwithstanding any provision contained in Title 48 RCW to the
33 contrary:

34 (1) No person or entity engaged in the business of insurance in
35 this state shall refuse to issue any contract of insurance or cancel or
36 decline to renew such contract because of the sex (~~(or)~~), marital
37 status, or sexual orientation as defined in RCW 49.60.040, or the

1 presence of any sensory, mental, or physical handicap of the insured or
2 prospective insured. The amount of benefits payable, or any term,
3 rate, condition, or type of coverage shall not be restricted, modified,
4 excluded, increased or reduced on the basis of the sex (~~(or)~~), marital
5 status, or sexual orientation, or be restricted, modified, excluded or
6 reduced on the basis of the presence of any sensory, mental, or
7 physical handicap of the insured or prospective insured. Subject to
8 the provisions of subsection (2) of this section these provisions shall
9 not prohibit fair discrimination on the basis of sex, or marital
10 status, or the presence of any sensory, mental, or physical handicap
11 when bona fide statistical differences in risk or exposure have been
12 substantiated.

13 (2) With respect to disability policies issued or renewed on and
14 after July 1, 1994, that provide coverage against loss arising from
15 medical, surgical, hospital, or emergency care services:

16 (a) Policies shall guarantee continuity of coverage. Such
17 provision, which shall be included in every policy, shall provide that:

18 (i) The policy may be canceled or nonrenewed without the prior
19 written approval of the commissioner only for nonpayment of premium or
20 as permitted under RCW 48.18.090; and

21 (ii) The policy may be canceled or nonrenewed because of a change
22 in the physical or mental condition or health of a covered person only
23 with the prior written approval of the commissioner. Such approval
24 shall be granted only when the insurer has discharged its obligation to
25 continue coverage for such person by obtaining coverage with another
26 insurer, health care service contractor, or health maintenance
27 organization, which coverage is comparable in terms of premiums and
28 benefits as defined by rule of the commissioner.

29 (b) It is an unfair practice for a disability insurer to modify the
30 coverage provided or rates applying to an in-force disability insurance
31 policy and to fail to make such modification in all such issued and
32 outstanding policies.

33 (c) Subject to rules adopted by the commissioner, it is an unfair
34 practice for a disability insurer to:

35 (i) Cease the sale of a policy form unless it has received prior
36 written authorization from the commissioner and has offered all
37 policyholders covered under such discontinued policy the opportunity to
38 purchase comparable coverage without health screening; or

1 (ii) Engage in a practice that subjects policyholders to rate
2 increases on discontinued policy forms unless such policyholders are
3 offered the opportunity to purchase comparable coverage without health
4 screening.

5 The insurer may limit an offer of comparable coverage without
6 health screening to a period not less than thirty days from the date
7 the offer is first made.

8 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately."

HB 1515 - S COMM AMD

By Committee on Financial Institutions, Housing & Consumer
Protection

12 On page 1, line 2 of the title, after "commission;" strike the
13 remainder of the title and insert "amending RCW 49.60.010, 49.60.020,
14 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176,
15 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223,
16 49.60.224, 49.60.225, and 48.30.300; reenacting and amending RCW
17 49.60.222; and declaring an emergency."

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